

# Exhibit 7

# Exhibit 47

**DECLARATION OF CASEY LAFFERTY**

I, Casey Lafferty, declare under the penalty of perjury pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am a resident of the State of New Mexico. I am over the age of 18 and have personal knowledge of all the facts stated herein, except to those matters stated upon information and belief; as to those matters, I believe them to be true. If called as a witness, I could and would testify competently to the matters set forth below.
2. I am the Deputy Director of Policy, Research, and Quality Initiatives Division at the New Mexico Early Childhood Education and Care Department (NMECECD), a position I have held since February 2024. In addition to my role as Deputy Director of Policy, Research, and Quality Initiatives Division, I serve as the New Mexico Head Start State Collaboration Office Director.
3. The information in the statements set forth below were compiled through personal knowledge, through NMECECD personnel who have assisted in gathering this information, or from documents that have been provided to and reviewed by me.
4. I submit this Declaration in support of the States' actions related to a Notice issued by HHS on July 10, 2025, entitled "Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); Interpretation of 'Federal Public Benefit'" (the "HHS PRWORA Notice"). In the HHS PRWORA Notice, HHS has classified the Head Start as providing "Federal public benefit[s]," under U.S.C. § 1611(c). As a result, New Mexico Head Start

programs face the new requirement that they can no longer offer Head Start services regardless of immigration status.

**NMECECD and the Head Start State Collaboration Office**

5. NMECECD is an executive-level state agency whose mission is to support the health, development, education, and well-being of babies, toddlers, and preschoolers in New Mexico through a family-driven, equitable, community-based system of high-quality prenatal and early childhood programs and services.
6. Since 2020, when NMECECD was created as an agency, NMECECD has held the New Mexico Head Start Collaboration Office within its Policy, Research, and Quality Initiatives Division. The New Mexico Head Start Collaboration Office serves an important role in the coordination of Head Start and Early Head Start programs, facilitating communication, service collaboration, and efficient use of funding sources to meet the needs of young children and families. Prior to 2020, the New Mexico Head Start Collaboration resided in the New Mexico Children, Youth, and Families Department.
7. The New Mexico Head Start Collaboration Office conducts an annual needs assessment for Head Start and Early Head Start to identify and report on the programs' needs for coordination, collaboration, and alignment of services, curricula, and assessments throughout the state. The New Mexico Head Start Collaboration Office uses the results of this needs assessment to develop goals outlining how it will assist and support Head Start and Early Head Start agencies in building collaborations with state, local, and Tribal organizations to better meet the needs of income-eligible families with children from birth to school entry. The needs assessment also helps programs evaluate how major shifts may affect operations, services, and families.

**The Head Start Program in New Mexico**

8. The Head Start Program was designed to help break the cycle of poverty, by providing young children from families with low income with a comprehensive program to meet their emotional, social, health, nutritional, and educational needs. A key tenet of the program established that it be culturally responsive to the communities served, and that the communities have an investment in its success through the contribution of volunteer hours and other donations as non-federal share.
9. In addition to providing high quality child care and early childhood education, Head Start programs connect children and families to wraparound social services and supports. Head Start programs integrate state benefit programs to provide children with meals and snacks during the school day, as well as connect families with needed resources including housing support, health and mental health services, and adult education and career assistance.
10. Head Start and Early Head Start services are available to families of young children at or below 100 percent of the Federal Poverty Level (FPL), with additional eligibility categories for families experiencing homelessness, children in foster care, children with special needs, and families receiving other forms of public assistance. As required by federal standards, these federal-to-local programs include infant mental health, family and community engagement, parent councils, cultural and linguistic responsiveness, and health screenings. This comprehensive approach supports these programs' vital contribution to young children's health, education, and family well-being.
11. The population of New Mexico is racially and culturally diverse, consisting of residents who are 48 percent Hispanic or Latino, 37 percent White, and 11 percent American Indian

or Alaskan Native. New Mexico is home to 23 Pueblos, Tribes, and Nations. Almost 30 percent of New Mexicans speak a language other than English.

12. New Mexico's 2023 median household income of \$62,100 was more than \$18,500 below the national median. About 18 percent of New Mexicans lived below the FPL in 2023, compared with the national average rate of 11 percent.
13. In 2023, the New Mexico Department of Workforce Solutions reported that 27 percent of children under the age of 5 in New Mexico were living below the FPL, which was an annual income of \$24,860 for a family of three.
14. During the 2021-2022 school year (the most recently available data), almost 10,000 students in New Mexico experienced homelessness. Of that total, 23 percent were students with limited English proficiency, 23 percent were children with disabilities, 14 percent were unaccompanied homeless youth, and about one percent were migratory youth.
15. Feeding America estimates that one in six people (350,010) and one in four children (104,390) in New Mexico currently face food insecurity. In 2022 the U.S. Census Bureau estimated that 496,189 New Mexicans (out of 2.1 million), or 24 percent of the population, received Supplemental Nutrition Assistance Program (SNAP) benefits. Of the households in New Mexico enrolled in SNAP, 41 percent had children.
16. During the 2024–25 school year, Head Start and Early Head Start programs in New Mexico provided 1,493,532 nutritious meals and snacks to children across the state.
17. New Mexico has 34 Head Start grant recipients, operating 247 Head Start and Early Head Start sites across the state, including 16 Tribal grant recipients. In total, these grantee organizations are funded to provide 5,487 Head Start slots and 2,173 Early Head Start slots,

including 52 slots for children of migrant workers served by the Migrant and Seasonal Head Start Program, 1,513 Tribal Head Start slots, and 325 Tribal Early Head Start slots.

18. The total budgeted funding for all of the Head Start and Early Head Start slots in New Mexico in FY25 was \$108,546,846.00.

**Impact of HHS Action**

19. I am providing this declaration to explain the impact of a Rule issued by HHS on July 10, 2025, entitled “Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); Interpretation of ‘Federal Public Benefit’” (the “HHS PRWORA Notice”). In the HHS PRWORA Notice, HHS has classified Head Start programs as providing “Federal public benefit[s],” under U.S.C. § 1611(c). The Rule was published in the Federal Register on July 14, 2025, and became immediately effective, without allowing for a public comment period before implementation. In the Rule, HHS rejects an interpretation of PRWORA that has been in place since 1998, which permitted states to allow their Head Start programs to be accessible to income-eligible families regardless of immigration status.
20. HHS provided “a partial benefit-cost analysis,” focusing on Head Start “as an illustrative case.” HHS states, “a primary estimate of \$374 million in annual effects representing incremental expenditures on U.S. citizens and qualified aliens” and “a full range of estimated expenditure effects between \$184 million and \$1,881 million, capturing uncertainty in the baseline share of program beneficiaries who are U.S. citizens and qualified aliens.”
21. I write here to document the impacts of the Rule on New Mexico’s Head Start programs.

22. While the number of children who will be impacted in New Mexico is not known because Head Start programs, including the separate and statutorily created Migrant and Seasonal Head Start Program (Head Start Act, 42 U.S.C. § 9801 et. seq.), do not inquire at all about the immigration status of those who apply to participate, the Rule has already created a "chilling effect," where families may withdraw from the program because they are missing documentation to prove their eligibility based on immigration status or out of fear of being targeted, even if their children would qualify for service.
23. Eliminating certain uses of Head Start funds will have dramatic effects on Head Start Programs New Mexico. Most Head Start children and families, in addition to many Head Start staff, live in or near poverty levels, and experience financial and mental health stressors when funding is at risk. If programs cannot access funds unless they identify and exclude families based on immigration status, Head Start programs will risk closure. Because Head Start is a critical safety net for entire communities, the ripple effects into the community at large will also be significant.
24. In addition, to serve more children and families with high-quality early care and learning opportunities and build a foundation for health and stability, many state-funded early childhood programs also offer Head Start programming to maximize investments in young children and families. New Mexico's system of early childhood services is woven together from multiple funding sources. For example, in New Mexico, child care assistance is funded by the Child Care and Development Fund and local dollars. Similarly, Head Start children rely on critical programs that help meet their families' basic needs, like the Supplemental Nutrition Assistance Program and Medicaid. This interconnected web of resources threatens all early care and education programs and related supports when one



program is eliminated or fundamentally altered, as is the case with the PRWORA Rule published on July 14, 2025.

25. Further, because Head Start has never required proof of immigration status as a condition to enroll, such a requirement will create fear and confusion for families, and providers will not have the staff resources or knowledge to implement this sudden and new eligibility requirement.
26. In short, HHS has made a decision in a matter of days that unwinds nearly thirty years of precedent of allowing all persons regardless of immigration status to access Head Start as it was not considered a “federal public benefit”, and 60 years of practice of welcoming all low-income children to participate in Head Start programs. Such a dramatic and abrupt shift in long-standing and foundational Head Start principles will have significant negative impacts to many New Mexican communities.
27. If the Head Start programs develop a verification system, it will severely undermine the accessibility of anti-poverty programs for all applicants. Some of those who receive anti-poverty services may lack documentation. Unhoused people can lack any government identification at all. While this action may be targeting undocumented immigrants, a far broader array of vulnerable people will suffer.
28. If Head Start programs develop a verification system, NMECED anticipates that there is a substantial likelihood that the families and the parents of such children would be chilled from accessing other benefits for which they may be eligible, including Early Intervention Services, behavioral health supports, housing supports, transportation supports, child care assistance, and Home Visiting services because of fear that doing so could subject their children or themselves to a heightened risk of deportation.

29. NMECECD is substantially likely to need to expend more funding on outreach if eligible children are chilled from accessing Head Start. Under the new rule, there is a substantial likelihood that there will be a decline in the number of families who seek Head Start and other early childhood services for their children. In that situation, NMECECD will need to enhance outreach efforts to engage with New Mexican families.
30. New Mexico's state-funded Pre-kindergarten system (NMPreK) system is substantially likely to be placed under significant strain should this Rule remain in effect. As NMPreK does not have any immigration eligibility requirements, families who are not able to verify their child's eligibility for Head Start or Early Head start services due to the new Rule will likely seek out Early NMPreK and NMPreK services for their children. While the financial impact to NMECECD is unknown at this time, NMECECD anticipates that the influx of additional children will create significant additional cost to NMECECD.
31. Head Start programs operate with very limited and tightly planned budgets, and many programs cannot even withstand a few days without funding. Head Start programs are not equipped to verify eligibility based on immigration status. The implementation of the HHS PRWORA new Rule will require significant staff training in immigration status verification, and will further destabilize programs and negatively impact the well-being of children, families, and entire communities.
32. If Head Start programs cannot access funds from HHS unless they identify and exclude children and families based on immigration status, they will be forced to close. This will mean that the 7,660 children in New Mexico who make use of these critical programs, some of the most vulnerable members of our communities, will no longer have access to these programs regardless of their immigration status.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 18<sup>th</sup> day of July, 2025, in Santa Fe, New Mexico.



Casey Lafferty

Deputy Director of Policy, Research, and  
Quality Initiatives Division

New Mexico Head Start State Collaboration  
Office Director

New Mexico Early Childhood Education  
and Care Department